

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JEFFREY BINNS,

Plaintiff,

v.

PATROLMAN JOHN DOE, et al.,

Defendants.

Civil Action No. 07-5317 (FLW)

REPORT & RECOMMENDATION

This matter having been opened by the Court *sua sponte* based on Plaintiff's failure to update the Civil Docket in this matter with his current contact information; and the Court noting that on August 11, 2008 [Docket Entry No. 10], its Order filed on August 1, 2008 [Docket Entry No. 9] was returned as undeliverable with the notation "Not Here"; and the Court further noting that its August 1, 2008 Order was mailed to Plaintiff at the address that currently appears on the Civil Docket in this matter, namely: Jeffrey Binns, Prison #27924, Middlesex County Adult Correctional Facility, PO Box 266, New Brunswick, NJ 08903; and the Court further noting that upon receiving the undeliverable Order, it contacted the Middlesex County Adult Correctional Facility and learned that Plaintiff was released from that facility on June 20, 2008; and the Court further noting that despite being released from that facility nearly two months ago, Plaintiff has failed to update the Civil Docket in this matter with his current contact information; and the Court further noting that on August 14, 2008, the Court received a letter from Defendant's newly retained counsel, indicating that

the only address I presently have for Mr. Binns is the correctional facility address. I have had no correspondence or communication with Mr. Binns. Insofar as I currently have no information as to his present address or whereabouts, I am unable to serve any pleadings

or documents on him. As a result it is respectfully requested that plaintiff's complaint be dismissed.

and the Court finding that Plaintiff's failure to update the Civil Docket in this matter with his current contact information has made it impossible for this litigation to continue at this time; and the Court further finding that Plaintiff's failure in this regard also establishes Plaintiff's failure to adequately prosecute this matter which he initiated against Defendant, and warrants dismissal of the instant case without prejudice pursuant to FED.R.CIV.P. 41(b); and the Court having considered this matter pursuant to FED.R.CIV.P. 78, and for good cause shown,

IT IS on this 18th day of August, 2008,

RECOMMENDED that Plaintiff's Complaint be DISMISSED WITHOUT PREJUDICE pursuant to FED.R.CIV.P. 41(b); and it is further

ORDERED that the Clerk of the Court send a hard copy of this Report and Recommendation to Plaintiff at the only address for Plaintiff known to the Court: Jeffrey Binns, Prison #27924, Middlesex County Adult Correctional Facility, PO Box 266, New Brunswick, NJ 08903; and it is further

ORDERED that the time period within which Defendant must file a responsive pleading is STAYED and, if necessary, shall be reset after the District Court reviews this Report and Recommendation.

s/Tonianne J. Bongiovanni
HONORABLE TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE